

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA,) CR No.: 3:11-2064-JFA
)
 v.)
) ORDER
DARRELL T. WASHINGTON)
)
)
)

This matter is before the court pursuant to the recent motions filed by Defendant Darrel T. Washington. The court will conduct a hearing one week prior to trial addressing the issues raised at oral argument on Tuesday, May 22, 2012, regarding whether the defendant was under the influence when he provided the proffer to the government. The court will send out a notice on that hearing and briefing schedule at a later time. The court will therefore defer ruling on the motion to suppress the proffer (ECF No. 483). The other motions pending before the court are resolved as discussed below.

The defendant's motion to release the evidence for independent testing (ECF No. 500) is granted in part. The court will allow the drugs to be tested by an independent examiner at the expense of the defendant. The drugs are to be tested in Columbia with a government representative present during the examination. Following the examination, the drugs are to be returned to the government's custody. The independent examiner's report must be completed and submitted to the court along with the examiner's CV one week prior to the trial.

Because the government informs the court that the confidential informant will not testify, the motion to compel the government to reveal the confidential informant's identity (ECF No. 494) is denied.

The motion for witness list (ECF No. 491) is granted and the government is directed to turn over to the defendant a written list of witnesses that the government named at jury selection by May 25, 2012.

The various motions to file additional motions (ECF Nos. 493, 495 & 497) are denied. The court, however, notes that the defendant may still file motions in limine or a new motion concerning a matter where counsel has a *good faith belief* that the matter constitutes a *new development* not previously addressed by this court.

All other re-filed motions are denied for the reasons stated previously or for failure to raise the issues at the pretrial conference.

Because the defendant has failed to make a sufficient showing to warrant a continuance in this case, the motion to continue (ECF No. 485) is denied.

IT IS SO ORDERED.

May 23, 2012
Columbia, South Carolina



Joseph F. Anderson, Jr.
United States District Judge